

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

RUTH SMITH, Individually and as Widow for the	)	
Use and Benefit of Herself and the Next Kin of	)	
Richard Smith, Deceased,	)	
	)	
Plaintiff,	)	Civil No. 3:05-0444
	)	Judge Aleta A. Trauger
v.	)	(Dist. Of MA No.
	)	1:05-cv-11515PBS)
PFIZER, INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DEFENDANTS' PROPOSED VERDICT FORM**

Defendants, Pfizer Inc ("Pfizer") and Warner-Lambert Company LLC ("Warner-Lambert") (collectively, "Defendants"), by and through their undersigned counsel, hereby propose that the verdict form attached hereto be given to the jury following the trial of this matter. Defendants submit this proposed verdict form without waiver of their right to contend at trial that certain questions should not be asked because the evidence admitted does not warrant submitting some or all of the issues to the jury and without waiver of their right to request additional or modified questions in light of the record developed at trial, rulings by this Court, or other subsequent developments.

Dated: May 13, 2010

Respectfully submitted,

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-and-

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*Attorneys for Defendants Pfizer Inc and  
Warner-Lambert Company LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 13th day of May 2010, I electronically filed the foregoing document with the Clerk of the Court, United States District Court for the Middle District of Tennessee, using the CM/ECF system. True and correct copies of the foregoing documents are being served via the Court's CM/ECF system on the following:

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/s/ Gerald D. Neenan

Liability

1. Based upon the scientific and technological knowledge available to Defendants in March 2004, did Defendants provide adequate warnings to prescribing physicians regarding the risks of Neurontin?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "yes," do not answer the remaining questions. If you answered "no," proceed to Question 2.

2. Has Plaintiff proven, by a preponderance of the evidence, that the lack of adequate warnings rendered Neurontin defective or unreasonably dangerous?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "yes," proceed to Question 3. If you answered "no," do not answer the remaining questions.

3. Has Plaintiff proven, by a preponderance of the evidence, that the failure to provide adequate warnings was the result of negligence?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "yes," proceed to Question 4. If you answered "no," proceed to Question \_\_\_\_.

4. Has Plaintiff proven, by a preponderance of the evidence, that the lack of adequate warnings was the cause-in-fact of Richard Smith's death?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "yes," proceed to Question 5. If you answered "no," do not answer the remaining questions.

5. Has Plaintiff proven, by a preponderance of the evidence, that the lack of adequate warnings was the legal cause of Richard Smith's death?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "yes," proceed to Question 6. If you answered "no," do not answer the remaining questions.

Compensatory Damages

6. What amount of money, if any, do you find should be awarded to the Plaintiff for any conscious pain and suffering experienced by Richard Smith between injury and death?

Amount in dollars \_\_\_\_\_

Proceed to Question No. 7.

7. What amount of money, if any, do you find should be awarded to the Plaintiff for burial expenses?

Amount in dollars \_\_\_\_\_

Proceed to Question No. 8.

8. What amount of money, if any, do you find should be awarded to the Plaintiff for present cash value of the pecuniary value of the life of the deceased?

Amount in dollars \_\_\_\_\_

Proceed to Question 9.

Punitive Damages

9. Do you find, by clear and convincing evidence, that Defendants act intentionally, recklessly, maliciously, or fraudulently so as to justify an award of punitive damages?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "yes," proceed to Question 10. If you answered "no," do not answer the remaining Question.

10. What amount, if any, should be awarded to Plaintiff as punitive damages?

Amount in dollars \_\_\_\_\_